

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PNC BANK, NATIONAL ASSOCIATION	:	CIVIL ACTION
1600 Market Street	:	
Philadelphia, PA 19103,	:	NO.
Plaintiff	:	
	:	
v.	:	
	:	
JONATHAN SHIEKMAN	:	
8 Ashbridge Lane	:	
Linwood, NJ 08221,	:	
Defendants	:	

NOTICE OF REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

James W. Hennessey, Esquire
Dilworth Paxson LLP
3200 Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103-7595
Attorney for Plaintiff

PLEASE TAKE NOTICE that defendant, Jonathan Shiekman (hereinafter “Shiekman”), by and through his attorneys, Fox Rothschild LLP, hereby removes the civil action pending in the Court of Common Pleas of Philadelphia County, PA, No. 040600776, to the United States District Court for the Eastern District of Pennsylvania and, in support thereof, respectfully represents as follows:

BACKGROUND

1. On or about August 10, 2004, plaintiff, PNC Bank, National Association (“PNC”), filed a complaint against Shiekman in the Court of Common Pleas of Philadelphia County, Pennsylvania, No. 040600776.

2. Shiekman received a copy of the complaint on or about August 11, 2004.

STATEMENT OF THE GROUNDS FOR REMOVAL – 28 U.S.C. § 1446(a)

3. Plaintiff, PNC, a national banking institution with an office at 1600 Market Street, Philadelphia, Pennsylvania 19103, has its principal place of business in Pennsylvania. It is incorporated in the Commonwealth of Pennsylvania.

4. Defendant, Shiekman, is an adult individual with his residence at 8 Ashbridge Lane, Linwood, New Jersey 08221.

5. In its complaint, PNC commenced a breach of contract civil action against Shiekman.

6. In its complaint, PNC demands compensatory damages in excess of \$500,000.

7. Therefore, this Court has original jurisdiction over PNC's complaint pursuant to 28 U.S.C. § 1332 because this is a civil action between parties of different states and the matter in controversy exceeds the sum or value of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs.

8. In light of the fact that this Court has original jurisdiction over PNC's complaint, the action may be removed to this Court by Shiekman pursuant to 28 U.S.C. § 1441(a).

**COPIES OF ALL PROCESS, PLEADINGS, AND
ORDERS SERVED ON DEFENDANT – 28 U.S.C. § 1446(a)**

9. A true and correct copy of the original complaint received by Shiekman in the action filed against him in the Court of Common Pleas of Philadelphia County, No. 040600776, is attached hereto as Exhibit "A" and made part hereof by reference.

TIMELINESS OF NOTICE OF REMOVAL – 28 U.S.C. § 1446(b)

10. Pursuant to 28 U.S.C. § 1446(b), a "notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which the state court action is based."

Shiekman received a copy of the complaint on or about August 11, 2004.

11. This Notice of Removal is being filed within thirty days after Shiekman's receipt of PNC's complaint.

WHEREFORE, defendant, Jonathan Shiekman, hereby removes this matter from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

KEAN K. McDONALD, ESQUIRE
FOX ROTHSCHILD LLP
2000 Market Street, 10th Floor
Philadelphia, PA 19103
215-299-2862
Attorneys for Defendant,
Jonathan Shiekman

Dated:

CERTIFICATE OF SERVICE

I, Kean K. McDonald, Esquire, attorney for defendant, Jonathan Shiekman, hereby
certify that a true and correct copy of the within Notice of Removal was served via U.S. Mail
upon the parties listed below.

James W. Hennessey, Esquire
Dilworth Paxson LLP
3200 Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103-7595
Attorneys for Plaintiff

Kean K. McDonald

Date: _____